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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/612,333	07/02/2003	Luan Tran	MIO 0033 V2/40509.257 3800			
23368 7590 02/15/2007 DINSMORE & SHOHL LLP ONE DAYTON CENTRE, ONE SOUTH MAIN STREET SUITE 1300 DAYTON, OH 45402-2023			L	EXAMINER SCHILLINGER, LAURA M		
			ART UNIT	PAPER NUMBER		
DATION, On	43402-2023		. 2813			
			MAIL DATE	DELIVERY MODE		
			02/15/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.



## **Advisory Action**

Application No.	Applicant(s)	
10/612,333	TRAN, LUAN	
Examiner	Art Unit	
Laura M. Schillinger	2813	

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Before the Filing of an Appeal Brief	Examiner	Art Unit	
·	Laura M. Schillinger	2813	
The MAILING DATE of this communication appe	ears on the cover sheet with the d	orrespondence add	ress
THE REPLY FILED <u>29 January 2006</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailing			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I. Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejecti	on.
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	
AMENDMENTS	, , ponoc oct		
3. ☐ The proposed amendment(s) filed after a final rejection,  (a) ☐ They raise new issues that would require further co  (b) ☐ They raise the issue of new matter (see NOTE belo  (c) ☐ They are not deemed to place the application in be appeal; and/or  (d) ☐ They present additional claims without canceling a NOTE: See Continuation Sheet. (See 37 CFR 1.1  4. ☐ The amendments are not in compliance with 37 CFR 1.1  5. ☐ Applicant's reply has overcome the following rejection(s)  6. ☐ Newly proposed or amended claim(s) would be allowable claim(s).  7. ☒ For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proof The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) rejected: 1-5.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	insideration and/or search (see NO ow);  Itter form for appeal by materially recorresponding number of finally rejute and 41.33(a)).  21. See attached Notice of Non-Could it is submitted in a separate,  will not be entered, or b) with the own in the second in the seco	TE below); ducing or simplifying ected claims. impliant Amendment timely filed amendme	the issues for (PTOL-324).
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	d sufficient reasons why the affiday	rit or other evidence is	s necessary and
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fa ee 37 CFR 41.33(d)(	ils to provide a 1).
10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	in of the status of the claims after e	ntry is below or attact	ned.
11.  The request for reconsideration has been considered bu	ut does NOT place the application in	n condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s).  13. Other:	(PTO/SB/08) Paper No(s).	Laura M Schillinger	Mele

Advisory Action Before the Filing of an Appeal Brief

Primary Exami Art Unit: 2813

Continuation of 3. NOTE: the amendment will require further search and consideration.